



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

HOUSE STANDING COMMITTEE ON JUDICIARY

Tuesday, February 6th, 2018 12:00 p.m. Room 326 House Office Building

Representative Runestad, Chair, called the meeting to order.

Chair Runestad requested attendance be called to establish a quorum of the appointed committee members:

Present: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Absent: None.

Excused: None.

Representative LaFave moved to approve the minutes of the January 30th, 2018 meeting. The motion prevailed by unanimous consent.

The Chair laid HB 5220 before the committee:

HB 5220 (Hoitenga) Weapons; other; purchase and possession of certain self-defense spray concentration; allow under certain circumstances.

Representative LaFave moved to report HB 5220 with recommendation. The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

The Chair laid HB 5282 before the committee:

HB 5282 (Lucido) Crimes; intoxication or impairment; hearing procedure for issuing a restricted license requiring the installation of ignition interlock device; modify.

Representative LaFave moved to report HB 5282 with recommendation. The motion prevailed by a vote of 8-0-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Howrylak, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: None.

Pass: Reps. Theis and Robinson.

The Chair laid SB 419, SB 420, and SB 421 before the committee:

SB 419	(Emmons)	Juveniles; other; considerations for returning child to custody of parent; modify.
SB 420	(Pavlov)	Children; protection; considerations for returning child to custody of parent; modify.
SB 421	(Jones)	Children; child abuse or child neglect; considerations for returning child to custody of parent; modify.

Joli Collett testified in support of the bills.

John Tuinstra, representing Citizens For Parental Rights, testified in support of the bills.

Robert Dargo Jones, representing Michigan's Children, and Colin Parks, representing the Michigan Department of Health and Human Services, submitted testimony cards in support of the bill, but did not wish to speak.

Representative LaFave moved to adopt substitute (H-1) for SB 419. The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative LaFave moved to report SB 419, with recommendation, as substitute (H-1). The motion prevailed by a vote of 9-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: Rep. Greimel.

Representative LaFave moved to adopt substitute (H-1) for SB 420. The motion prevailed by a vote of 9-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: Rep. Greimel.

Representative LaFave moved to report SB 420, with recommendation, as substitute (H-1). The motion prevailed by a vote of 9-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: Rep. Greimel.

Representative LaFave moved to adopt substitute (H-1) for SB 421. The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: None.

Representative LaFave moved to report SB 421, with recommendation, as substitute (H-1). The motion prevailed by a vote of 9-0-1.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Robinson, Guerra, and Sowerby.

Nays: None.

Pass: Rep. Greimel.

The Chair laid the committee at ease the time being 12:22 p.m.

The Chair called the committee to order the time being 12:23 p.m.

The Chair laid HB 4158 before the committee:

HB 4158	(Lucido)	Criminal procedure; forfeiture; asset forfeiture; require a criminal conviction before proceeding.
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Representative Lucido testified on the bill.

Scott Underwood, representing the Waterford Township Police Department testified with a neutral position on the bills. Questions and discussion followed.

The Chair laid the committee at ease, the time being 12:56 p.m.

The Chair called the committee to order, the time being 4:09 p.m.

The Chair laid HB 4666 and HB 4670 before the committee:

HB 4666	(Runestad)	Civil procedure; service of process; provisions relating to service of process; amend.
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HB 4670	(Bellino)	Criminal procedure; sentencing guidelines; guidelines for false declaration in a proof of service; enact.
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Deanna Swisher and Jeff Kirkpatrick, representing the Michigan Court Officers and Deputy Sheriffs, submitted a testimony card in support of HB 4666, and wished to speak, but were unable to due to time.

Peter Cunningham, representing the State Bar of Michigan, submitted a testimony card, with a neutral position on HB 4666, but did not wish to speak.

The committee discussed the bills.

Representative Theis moved to adopt substitute (H-3) for HB 4666. The motion prevailed by a vote of 8-1-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Representative Theis moved to report HB 4666, with recommendation, as substitute (H-3). The motion prevailed by a vote of 8-1-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Representative Theis moved to adopt substitute (H-2) for HB 4670. The motion prevailed by a vote of 8-1-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.

Nays: Rep. Robinson.

Pass: None.

Representative Theis moved to report HB 4670, with recommendation, as substitute (H-2). The motion prevailed by a vote of 8-1-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Runestad, Theis, Cole, Hornberger, LaFave, Greimel, Guerra, and Sowerby.
Nays: Rep. Robinson.
Pass: None.

The committee returned to consideration of HB 4158.

Michael Komorn, Steve Fisher, and Amanda Joslin testified in support of the bill. Questions and discussion followed.

Ted Nelson testified in support of the bill.

John Shea, representing the Criminal Defense Attorneys of Michigan, testified in support of the bill.

Lee McGrath, representing the Institute for Justice, testified in support of the bill. Questions and discussion followed.

Steve Miller testified in support of the bill.

Diane Ferguson testified in support of the bill.

The following people submitted testimony cards in support of the bill, but did not wish to speak:

Kimberly Buddin, representing the American Civil Liberties Union of Michigan.
Jarrett Skorup, representing the Mackinac Center.
Charmie Gholson, representing Michigan Moms United.
Pete Lund, representing Americans For Prosperity.
Tony Daunt, representing Michigan Freedom Fund.

Blaine Koops representing the Michigan Sheriff's Association, submitted a testimony card in opposition to the bill.

Melanie Maxine Davis, representing Michigan Moms United, submitted a testimony card in support of the bill, and wished to speak, but was unable to do so.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 5:18 p.m.

Representative Runestad, Chair

Date Approved and Signed

Matthew Carnagie
Committee Clerk
February 6th, 2018